

PART III – BUILDING AND FIRE PREVENTION REGULATIONS

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BUILDING AND FIRE PREVENTION CODE

Pursuant to Section 130 of the Town Law of the State of New York, the Town Board of the Town of Lake Pleasant, Hamilton County, New York, does ordain and enact as follows:

ARTICLE I - GENERAL PROVISIONS**Section 101 - Title of Ordinance:**

This ordinance shall be known as the Town of Lake Pleasant Building and Fire Prevention Code.

Section 102 - Purpose of Ordinance:

The purpose of this Ordinance is to protect the public health, safety and welfare of the people of the Town of Lake Pleasant by establishing minimum standards governing the construction of all types of structures. This ordinance is hereby declared to be remedial and essential to the public interest, and it is intended that this ordinance be liberally construed to effectuate the purposes as stated herein.

Section 103 - Applicability:

This ordinance shall apply to all new construction commenced after the effective date of this ordinance within the territory of the Town of Lake Pleasant excluding the Village of Speculator, unless specifically indicated otherwise.

Section 104 - Effective Date:

This ordinance shall take effect immediately.

Section 105 - Conflict with Other Ordinances:

In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or regulation, the provision which established the highest standard, shall prevail.

Section 106 - Permits:

All departments, officials and employees of the Town of Lake Pleasant who have a duty or authority to issue permits or licenses in regard to the construction, installation, repair, use or occupancy of any structure shall conform to the provisions of this ordinance and no such permit or license shall be issued, if such would be in conflict with this ordinance.

Woodstove installation inspection fee - \$15.00.

Section 107 - Severability:

If any Section or provision of this ordinance shall be held invalid for any reason whatsoever, such invalidity shall not affect the remaining portions of this ordinance which shall remain in full force and effect.

ARTICLE II - MINIMUM STANDARDS**Section 201**

All buildings and parts thereof shall be capable of sustaining safely their own weight and the loads to which they may be subjected.

Section 202

All materials, assemblies and construction shall conform to generally accepted standards with respect to strength, durability, corrosion resistance, fire resistance and other qualities recognized under these codes.

Section 203

Workmanship shall conform to generally accepted good practice in the applicable trade.

Section 204

Whenever structural material or assemblies are subject to deterioration and might become structurally unsound if unprotected, protection in conformity with generally accepted standards for the materials involved shall be provided.

Section 205

The exterior facing or covering of walls and roofs, shall be resistant to causes of deterioration without loss of strength or attachment which may render it unfit for use. The materials of such exterior facing or covering shall be treated if necessary, to give the required protection.

Section 206

Whenever water can penetrate the exterior or cause damage to the interior of the assembly or structure, flashing or other barrier shall be provided to prevent its entrance or to redirect it outward.

Section 207

Materials in assemblies subject to deterioration when in continued contact with surface water or melting snow, shall be treated so as to withstand such deterioration, or be placed so that they will not be in contact with such elements.

Section 208

In order to retard the spread of fire, dwellings and accessory structures shall be located and constructed so that the distance between buildings and the fire resistance of exterior walls and of roof coverings are commensurate with the fire hazards involved.

Section 209

Roof coverings shall be capable of resisting fire commensurate with the severity of exposure and shall be installed in conformity with generally accepted standards.

Section 210

Heat producing equipment shall be mounted on noncombustible floor constructions or on protected combustible floor construction, shall be installed with sufficient clearance from adjacent wood or other combustible materials to prevent their ignition; and when the ceiling above can be heated to temperatures in excess of 175 degrees F. it shall be protected for a distance of three (3) feet on all sides of the heat producing equipment by noncombustible materials providing ten (10) minutes or more of fire protection, except when such ceiling is constructed on noncombustible material, and has a fire resistance rating of at least three-quarters (3/4) of an hour.

Section 211

Where fuel burning heat producing equipment is located at a level containing habitable space, the walls, floor and ceiling, three (3) feet or less from such equipment, shall have a fire resistance rating of at least three-quarters (3/4) of an hour and an interior finish providing at least ten (10) minutes of fire protection to combustible members.

Section 212

Private garages in or attached to a dwelling shall be separated from other spaces in the building by construction having a fire resistance rating of at least thirty (30) minutes. Openings in the separation between the garage and other space in the building shall be limited to a single doorway, equipped with a door having a fire resistance rating of at least twenty (20) minutes. Such door shall not open directly into a room used for sleeping purposes.

Section 213

Floors in garages shall be of noncombustible material that will not absorb flammable liquids and shall be placed or arranged so that heavier than air flammable vapors can not spread to fixed sources of ignition.

Section 214

Construction of garages and arrangement of equipment installations shall be such that toxic gases originating within garages, shall not spread to the dwellings; nor shall air for heating or ventilation be circulated from garages to dwellings.

Section 215

Fire places and similar construction intended for burning fuel in open fires shall be designed and constructed of noncombustible material, shall be stable and structurally safe, shall be connected to chimney in accordance with the requirements of the New York Board of Fire Underwriters and shall be insulated so that, when in use near by or adjacent combustible material and structural members shall not be heated to temperatures in excess of 175 degrees F.

Section 216

Public buildings shall maintain exits to provide free and unobstructed egress from all parts of the building or structure when it is occupied. No barrier, lock or fastening to prevent free escape from any building or structure shall be installed except in institutions where supervisory personnel are constantly on duty and effective provisions are made to remove occupants in case of fire or other emergency.

Section 217

Materials shall not be placed, stored or kept in any stairway or corridors so as to obstruct or interfere with egress of persons from the building or structure.

Section 218

In all dwellings, at least one single station smoke detecting alarm device, shall be provided adjacent to sleeping spaces on each floor level and shall be located on or near the ceiling.

Section 219

Chimneys, flues, gas vents and their supports, shall be designed and constructed so as to be structurally safe, durable, smoke tight, noncombustible, and capable of withstanding the action of flue gases without softening, cracking or corroding or spalling.

Section 220

Flammable liquids shall not be stored in any dwelling except that flammable liquids may be stored in an attached garage provided that such liquids are kept in an Underwriter's approved metal container in an amount not to exceed three (3) gallons.

Section 221

The temporary storage of combustible waste or refuse shall be permitted provided that said waste and refuse shall be stored in containers constructed of noncombustible materials, equipped with tight fitting covers.

Section 222

Outdoor fires, including bon-fires, and rubbish fires, shall not be permitted unless legally authorized in conformity with the control regulations of the Department of Environmental Conservation.

Section 223

Plumbing, heating, electrical, ventilating and air conditioning for use of the building, shall be designed, installed, and located so that normal conditions of use, such as equipment and systems, will not be a potential danger to health or other welfare, a danger because of structural defect or a source of ignition and will not create noise or otherwise become a nuisance.

Section 224

Equipment and systems shall be of approved materials, shall be free from defective workmanship and shall be designed and installed so as to be durable without need for frequent repairs or major replacements.

Section 225

All sewer disposal systems not connected to a public sewer system shall comply with the minimum standards set forth in the New York State Public Health Law and the New York State Codes, Rules and Regulations, governing on-site sewage disposal systems. Periodic inspections shall be made for maintenance by the Zoning Enforcement Officer.

Except where the Zoning Enforcement Officer determines that circumstances and conditions are such that strict compliance with such law, code, rules and regulations would create an undue hardship on the property owner. In all such hardship cases, the Zoning Enforcement Officer may permit use of any other on-site sewage disposal system providing the system is adequate for the use intended and providing the system is the minimum variance from the standards set by said law, code, rules and regulations. See Waste Treatment Handbook "Individual Household System", by N.Y.S. Department of Health.

A zoning permit pursuant to Article 8, Section 30 of the Zoning Ordinance of the Town of Lake Pleasant of 1971 shall be required for the construction, reconstruction, alteration or installation of any sewer disposal system. The application to the Zoning Officer for such permit shall include a plot plan showing the dimension and capacity of the septic tank, its location on the lot, its relationship to buildings and wells, the location and dimension of the drain fields for the septic tank and the results of the soil percolation test.

Sanitary Permit - schedule approved by Town Board Resolution on April 2, 1990

Sanitary Permit\$15.00

No sewer disposal system shall be covered over, or put into operation until a certificate of occupancy has been issued by the Zoning Enforcement Officer pursuant to Article 8, Section

31 of the Zoning Ordinance of the Town of Lake Pleasant of 1971. Said certificate of occupancy shall only be issued if the sewer disposal system conforms to the provisions of this ordinance and to the plot plan for which the permit was issued.

Section 226

Electrical wiring and equipment shall be designed and installed so as not to be a potential source of ignition or of combustible materials or a potential source of electrical hazard and shall comply in all respects with the requirements of the New York Board of Fire Underwriters.

Section 227

No on-site surface or ground water drainage system in connection with the construction or alteration of any building, structure or natural land form shall be located or constructed in such a manner as to intensify runoff in an unacceptable manner, pollute, or cause erosion on adjoining properties. Surface water shall be appropriately drained to protect buildings and structures and to prevent development of stagnant ponds or pools. Surface drainage shall be conveyed to an existing system of storm disposal where available and all surface drainage shall be designed so as not to discharge onto walkways, the street or adjacent property in such a manner as to create a nuisance or hazard.

Section 228

Any person who shall construct, create or install an entrance, road, drive or similar entryway to a public highway in the Town shall first obtain authorization of the proper authority having jurisdiction thereover. Before issuance of any permit, the Enforcement Officer or appropriate highway authority shall determine the requirements for proper flow of surface drainage and whether the proposed provision therefore is adequate. Where required by the Enforcement Officer a corrugated metal or reinforced concrete conduit of a length and diameter as may be necessary, but at least a minimum of twelve (12) inches in diameter and twenty (20) feet in length, to adequately accommodate surface runoff along such public roadway shall be installed at the applicant's expense so as to insure the unimpeded flow of surface drainage through such conduit.

Section 229

All water supply wells shall comply with New York State Department of Health requirements and guidelines with regard to placement, and, unless those regulations or guidelines require a greater lateral separation between wells and septic systems, there shall, to the maximum extent possible, be a lateral separation of at least 100 feet between such wells and septic systems located on the same or neighboring parcels. If there shall be no septic system on a neighboring parcel, such wells shall be located at least 100 feet from the potential location of a septic system on such neighboring parcel.

Where both the Zoning Enforcement Officer and the Town's Code Enforcement Officer determine that circumstances and conditions are such that strict compliance with the above requirements would create an undue hardship on the property owner, such officers, acting together, may vary such requirements provided such variance is not prohibited by New York State Health Department rules or regulations.

A permit issued by the Code Enforcement Officer shall be required for the digging, construction or installation of any water supply well. The application for such permit shall include an area map showing the location of the proposed well on the lot, the location of any existing or proposed septic system on the lot, and the location of all septic systems on adjacent lots or all septic systems within a 500 foot radius. Said area map shall be to scale and shall show the distance in feet between the location of the proposed well on the lot and the property lines, the location of any existing or proposed septic system on the lot, and the location of all septic systems on adjacent lots or the location of all septic systems within a 500 foot radius.

No water supply well shall be used until a certificate has been issued by the Code Enforcement Officer certifying that the water supply well is located as provided for in the issued permit.

The fee for all well permits pursuant to Section 229 of the Town of Lake Pleasant Building and Fire Prevention Code shall be the sum of fifteen dollars.

ARTICLE III - VIOLATION AND ENFORCEMENT

Section 301 - Penalty for Violation

Every violation of this ordinance shall be deemed an offense against this ordinance and shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) or more than Two Hundred and Fifty Dollars (\$250.00) for each violation. When a violation of any of the provisions of this ordinance is continuous, each week or portion thereof shall constitute a separate and distinct violation.

Section 302 - Enforcement

The Zoning Officer of the Town of Lake Pleasant, or some other officer of the Town designated by the Town Board, shall enforce all of the provisions of this ordinance. Such officer shall have the right during all phases of construction to enter upon and inspect the construction site, for the purpose of performing his duties under this ordinance.

ARTICLE IV - VARIANCE PROCEDURE

Section 401 - Variance

The Zoning Board of Appeals may vary or adapt the strict application of any of the requirements of the Building and Fire Prevention Code where in the case of the exceptional physical limitations to land or buildings, such strict application would result in a practical difficulty or an unnecessary hardship which would deprive the owner of the reasonable use of the land or buildings involved.

Section 402 - Procedure

The procedure for obtaining a variance from this ordinance, shall be the same procedure for obtaining a variance pursuant to Article 9 of the Zoning Regulations of the Town of Lake Pleasant.

Section 403 - Required Findings for Variance

No variance in the application of any provision of this ordinance shall be granted by the Zoning Board of Appeals unless it finds that the following are applicable:

- (a) That the circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the land or buildings involved.
- (b) That for reasons fully set forth in the findings, the granting of the variances is necessary for the reasonable use of the land or buildings and that the variance granted by the Zoning Board of Appeals is the minimum variance that will accomplish this purpose.
- (c) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the vicinity in which the property is located.